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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

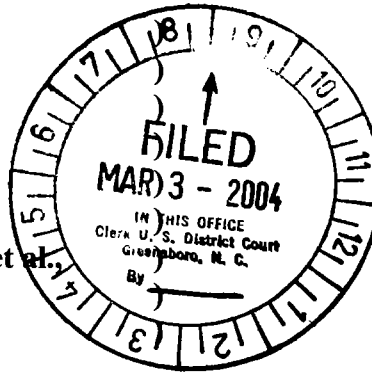
**GARY IVAN TERRY,**

**Plaintiff,**

**v.**

**LINDA PARKER MARSHALL, et al.,**

**Defendants.**



**1:03CV00741**

**RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

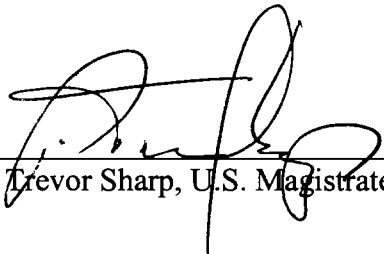
Before the Court is Plaintiff's motion to extend time for service of process under Federal Rule of Civil Procedure 4(m). (Pleading No. 3.) Federal Defendant John W. Stone, Jr., has responded in opposition.

Plaintiff filed this action on August 6, 2003. He took no action whatsoever until after expiration of the four-month period for service of process that is allowed under Rule 4(m). On January 22, 2004, the Clerk notified Plaintiff of his failure to effect service of process. On January 30, 2004, Plaintiff filed a motion for "good cause" to extend the time for service.

On review, the Court finds that Plaintiff has not shown good cause under Rule 4(m) for an extension of time to serve process. Plaintiff, in his motion, shows nothing that could amount to "good cause" for his failure to properly prosecute this action, but merely revisits what he believes to be the merits of his case.

Since Plaintiff makes absolutely no showing that could constitute good cause under Rule 4(m), this action should be dismissed without prejudice. *See generally Mendez v. Elliot*, 45 F.3d 75, 78-79 (4<sup>th</sup> Cir. 1995).

Accordingly, **IT IS RECOMMENDED** that Plaintiff's "good cause" motion (Pleading No. 3) be denied and that this action be dismissed without prejudice.



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P. Trevor Sharp, U.S. Magistrate Judge

March 3, 2004